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Metro Marketing Inc. and Ariel Freud

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WILLIAM FREED d/b/a FREED	:	Civil Action No. 12-6201 (JAP-TJB)
CHIROPRACTIC CENTER,	:	
individually and as the representative	:	Honorable Joel A. Pisano
of a class of similarly-situated	:	Motion Return Date: March 18, 2013
persons,	:	
	:	NOTICE OF MOTION TO DISMISS
Plaintiffs,	:	OR, IN THE ALTERNATIVE, FOR
	:	<u>SUMMARY JUDGMENT</u>
v.	:	
	:	
METRO MARKETING INC.,	:	
ARIEL FREUD and JOHN DOES 1-	:	(Oral Argument Requested)
10,	:	
	:	<i>Document Electronically Filed</i>
Defendants.	:	

TO:

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PLEASE TAKE NOTICE that on March 18, 2013 at 10:00 a.m., or as soon thereafter as counsel may be heard, defendants Metro Marketing Inc. and Ariel Freud (“Defendants”) will move before the Honorable Joel A. Pisano at the United States District Court, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, for an Order dismissing the Complaint for failure to state a claim, pursuant to Fed. R. Civ. P. 12(b)(6), or, in the alternative, granting summary judgment dismissing the Complaint pursuant to Fed. R. Civ. P. 56

PLEASE TAKE FURTHER NOTICE that Defendants will rely upon the accompanying Brief, Statement of Material Facts Not in Dispute (for purposes of summary judgment), and the Certifications of Ariel Freud and Larry Finkelstein submitted with this Motion, and upon all pleadings and proceedings on file herein.

PLEASE TAKE FURTHER NOTICE that a Certificate of Service and a Proposed Order granting this Motion are enclosed.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

By: s/ Jeffrey J. Greenbaum
Jeffrey J. Greenbaum
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Attorneys for Defendants
Metro Marketing Inc. and Ariel
Freud.

Dated: February 14, 2013

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2013, I electronically filed the foregoing NOTICE OF MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT, together with the brief and certifications of Ariel Freud and Larry Finkelstein in support thereof, the Statement of Material Facts Not in Dispute (for summary judgment purposes), and a proposed form of order, with the clerk of the Court using the Court's CM/ECF system, and accordingly served the parties who receive notice of the filing via the Court's CM/ECF system.

s/ Jeffrey J. Greenbaum

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